

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CARMEN DEMARK,

Plaintiff,

v.

LAUREL HARRY, et al.,

Defendants.

CIVIL ACTION NO. 3:17-CV-00732

(MEHALCHICK, M.J.)

ORDER

AND NOW, this 17th day of October, 2023, for the reasons set forth in the Memorandum Opinion concurrently filed herewith, **IT IS HEREBY ORDERED** that:

1. Defendants' request that this case be dismissed as asserted in their motion for an evidentiary hearing on exhaustion of administrative remedies is **DENIED**.
2. Demark's motion for leave to amend his complaint is **GRANTED**.¹ Demark shall be granted fourteen (14) days, or until October 31, 2023, to file the amended complaint. Thereafter, Defendants shall have twenty-one (21) days to file an answer or responsive pleading.
3. A status conference will be scheduled following Defendants' responsive filing.

s/ Karoline Mehalchick

KAROLINE MEHALCHICK

¹ The proposed amended complaint attached to Demark's brief in opposition does not cure deficiencies in his pleadings, as it still alleges that Plaintiff is "currently incarcerated at Pennsylvania State Correctional Institution Retreat, 660 S.R. 11, Hunlock Creek, PA 18621." ([Doc. 107-3](#), ¶ 6). Demark is advised to fully review his amended complaint before filing to ensure there are no inconsistencies within that would contradict the proposed cured deficiencies and cause further delay. ([Doc. 107-3](#), ¶¶ 6, 13).

Chief United States Magistrate Judge